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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 KEN HANSON IMPORTS INC, a
8 Washington corporation; KENNETH
9 M. HANSON and KAREN K.
10 HANSON, individually,

11 Plaintiffs/Counter Defendants,

12 v.

13 IRRIGATION COMPONENTS
14 INTERNATIONAL (VI) INC, an
15 Alabama corporation,

16 Defendant/Counter Claimant.

NO: 2:14-CV-0131-TOR

BENCH TRIAL
SCHEDULING ORDER

17 A telephonic status conference was held in the above-entitled matter on July
18 11, 2014. Michael A. Maurer appeared on behalf of Plaintiffs. W. Allen Woolley
19 and Christopher J. Kerley appeared on behalf of Defendant. The Court reviewed
20 the Joint Status Certificate (ECF No. 8), heard from counsel, and is fully informed.

1 At the hearing, the Court directed the parties to file a jury demand if appropriate no
2 later than July 21, 2014. As of this date, neither party has filed a jury demand;
3 therefore, the Court sets the matter for a bench trial.

4 **IT IS ORDERED:**

5 **1. General Court Procedures**

6 Pursuant to Fed. R. Civ. P. 16(b)(4), the dates set forth in this Order may be
7 amended **only** by Order of the Court and upon a showing of good cause. Pursuant
8 to Fed. R. Civ. P. 29, the parties may stipulate to other procedures governing or
9 limiting discovery, except the dates set forth in this Order.

10 Counsel are to review and employ Local Rule 83.1 (Civility) and
11 Washington Rule of Professional Conduct 3.4 (Fairness To Opposing Party And
12 Counsel).

13 **2. Motions to Amend Pleadings or Add Parties**

14 Any motion to amend the pleadings or add parties shall be filed
15 no later than **October 15, 2014**.

16 **3. Mediation**

17 If parties elect to proceed to mediation, it should be completed as early as
18 possible to avoid the unnecessary expenditure of judicial resources.

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1 **4. Rule 26(a)(1) Exchange**

2 If not already accomplished, the Parties shall disclose their Fed. R. Civ. P.
3 26(a)(1) material forthwith.

4 **5. Rule 26(a)(2) Expert Identification and Reports**

5 The Parties are cautioned that failure to timely identify experts or provide
6 reports in accordance with Rule 26 and this scheduling order may result in
7 exclusion of such testimony absent good reason. *See Wong v. Regents of the Univ.*
8 *of Cal.*, 410 F.3d 1052 (9th Cir. 2005).

9 The parties shall identify their experts and serve those experts' Rule 26(a)(2)
10 reports on all other parties no later than **October 15, 2014**. The parties shall also
11 provide dates for which their experts can be available for deposition.

12 The parties shall identify their rebuttal experts and serve those experts' Rule
13 26(a)(2) reports on all other parties no later than **November 14, 2014**. The parties
14 shall also provide dates for which their experts can be available for deposition.

15 **6. Discovery Cutoff**

16 **A. Generally**

17 All discovery, including depositions and perpetuation depositions, shall be
18 completed by **January 15, 2015** ("Discovery Cutoff"). To be timely, discovery
19 requests must be served sufficiently in advance of the deadline to allow for timely
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1 response by the cutoff date. The parties shall not file discovery, except those
2 portions necessary to support motions or objections.

3 **B. Depositions, Interrogatories, Requests for**
4 **Production/Admission**

5 Unless otherwise stipulated, no more than 10 depositions up to seven hours
6 long, may be taken by the plaintiffs, or by the defendants, or by third-party
7 defendants. Fed. R. Civ. P. 30(a)(2)(A) and (d)(1).

8 Unless otherwise stipulated, any one party may serve no more than 25 written
9 interrogatories, including discrete subparts, on any other party. Fed. R. Civ. P.
10 33(a)(1) and advisory committee notes (1993) explaining “discrete subparts”.

11 Unless otherwise stipulated, any one party may serve no more than 30
12 requests for production, including discrete subparts, on any other party.

13 A party needing relief from these limitations should timely seek relief from
14 the Court by motion.

15 **C. Protective Orders**

16 Any stipulation or motion for a confidentiality agreement or protective order
17 must be timely filed so as not to delay the discovery process or the Court’s
18 deadlines. If confidential records are attached to court filings, “compelling
19 reasons” must be shown to seal records attached to a dispositive motion and “good
20 cause” must be shown to seal records attached to a non-dispositive motion.

1 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir.
2 2006).

3 **D. Motions to Compel**

4 To avoid wasted time and expense, Counsel may contact chambers to
5 schedule a telephonic conference to obtain an expedited ruling on discovery
6 disputes. Motions to compel seeking sanctions shall be filed in writing.

7 **7. Dispositive and *Daubert* Motions**

8 All dispositive and *Daubert* motions shall be filed on or before **March 2,**
9 **2015.** Responses and replies to dispositive and *Daubert* motions shall comply with
10 Local Rule 7.1. No supplemental responses or supplemental replies to any
11 dispositive or *Daubert* motion may be filed without Court permission.

12 Dispositive and *Daubert* motions shall be noted for hearing at least **fifty (50)**
13 **days** after the date of filing.

14 **8. Motion Practice**

15 **A. Notice of Hearing**

16 Parties are to comply with Local Rule 7.1(h) when noting motions for
17 hearing. If oral argument is sought by a party, counsel shall contact Chambers
18 staff at (509) 458-2470 to obtain a hearing date and time. All non-dispositive
19 motion hearings shall be conducted telephonically, unless in-person argument is
20 approved by the Court. Counsel shall not use cell phones during any telephonic

1 hearing. Dispositive motion hearings in which oral argument has been requested
2 will be set for in-person appearance.

3 **B. Motions to Expedite**

4 If there is a need to have a motion heard on an expedited basis, the party must
5 file a Motion for Expedited Hearing and an accompanying memorandum (or
6 declaration) establishing the need for an expedited hearing. The Motion for
7 Expedited Hearing shall be noted for hearing, without oral argument, no earlier
8 than two (2) days after the filing of the motion, absent good cause shown.

9 **C. Citing Previously-Filed Documents**

10 All references to a previously filed document shall cite to the electronic case
11 filing (ECF) record number and page number within that ECF record, in the
12 following format, “ECF No. ____ at ____.” Such documents shall not be attached as
13 exhibits.

14 **D. Reliance on Deposition Testimony**

15 When a party relies on deposition testimony to support a position it takes in
16 support or opposition to an issue, that party shall provide the Court with the
17 pertinent excerpts of the deposition testimony relied upon and shall cite to page
18 and line numbers of the deposition it believes supports its position. *See generally*
19 LR 56.1(e). Submission of the entire deposition and/or failure to cite to specific
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1 portions of the deposition may result in the submission being stricken from the
2 record. *See Orr v. Bank of America*, 285 F.3d 764, 774-75 (9th Cir. 2002).

3 **E. Supplemental Responses or Replies**

4 No supplemental responses or supplemental replies to any motion may be
5 filed unless the Court grants a motion to file such documents.

6 **F. Motions to Reconsider**

7 Motions to Reconsider are disfavored. Motions must show manifest error in
8 the prior ruling or reveal new facts or legal authority which could not have been
9 brought to the Court's attention earlier. The motion shall be noted for expedited
10 hearing without oral argument seven days after it is filed. No response to a motion
11 for reconsideration need be filed unless requested by the Court. No motion for
12 reconsideration will be granted without such a request by the Court.

13 **G. Decisions on Motions**

14 Parties and counsel are encouraged to call the Judge's Chambers at (509) 458-
15 2470 to inquire about the status of a decision on a Motion if the Court has not
16 issued an order within thirty **(30) days after** the hearing on a motion.

17 **9. Witness/Exhibit Lists**

18 Witness/Exhibit lists shall be filed and served and exhibits made available for
19 inspection or copies provided to the parties on or before **April 27, 2015**.

1 **A. Witness Lists**

2 Witness lists shall include a brief description of the witness, a brief summary
3 of the witness' anticipated testimony, whether the witness will be called as an
4 expert, and any known trial date/time conflicts the witness may have.

5 **B. Exhibit Lists**

6 Exhibit lists shall include a brief description of the exhibit. All exhibits shall
7 be pre-marked; Plaintiffs' exhibits shall be numbered 1-499; Defendants' exhibits
8 shall be numbered 500-999.

9 **C. Objections**

10 Objections to witnesses/exhibits shall be filed and served on or before **May 4,**
11 **2015, AND SHALL BE HEARD AT THE PRETRIAL CONFERENCE.** All
12 objections to witnesses shall set forth a legal basis and explanation for the
13 objection. Objections to an exhibit or portion thereof, shall be accompanied by a
14 full and complete copy of the exhibit in question and a short legal explanation for
15 the objection. The party seeking the admission of the witness or exhibit has five
16 (5) days, excluding federal holidays and weekends, to file a response to the
17 opposing party's objection; no reply shall be filed.

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1 **10. Deposition Designations**

2 **A. Generally**

3 Designation of substantive, as opposed to impeachment, deposition or prior
4 testimony to be used at trial shall be highlighted in yellow by Plaintiff or in blue by
5 Defendant in a complete transcript of the deposition or prior testimony and served
6 but not filed on or before **April 27, 2015**.

7 **B. Cross-Designations**

8 Cross-designations shall be highlighted in yellow by Plaintiff or in blue by
9 Defendant in the transcript containing the opposing party's initial designations and
10 shall be served but not filed on or before **May 4, 2015**.

11 **11. Motions in Limine**

12 All unresolved substantive or evidentiary issues that may foreseeably arise
13 during trial shall be addressed by motions in limine to be filed and served on or
14 before **May 4, 2015**. Responses to motions in limine shall be filed and served on
15 or before **May 11, 2015**. Such motions will be addressed and resolved at the
16 pretrial conference. However, Motions in Limine may not reargue issues already
17 decided by the Court.

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1 **12. Pretrial Order**

2 **A. Generally**

3 A joint proposed pretrial order prepared in accordance with Local Rule
4 16.1(b) shall be filed on or before **May 18, 2015**, and a copy e-mailed, in
5 Microsoft Word format, to “riceorders@waed.uscourts.gov”.

6 **B. Exhibit List**

7 The list of exhibits contained in the Joint Proposed Pretrial Order shall reflect
8 the exhibit marking scheme described above. In preparing the Joint Proposed
9 Pretrial Order, the parties shall confer regarding duplicative exhibits and determine
10 which party will submit such exhibits for trial.

11 **13. Pretrial Conference**

12 An **in-person** pretrial conference will be held on **May 26, 2015, at 10:00**
13 **a.m.**, in Spokane, Washington. All counsel trying the case must be present at the
14 pretrial conference.

15 **14. Trial Briefs**

16 **A. Generally**

17 Trial briefs shall be filed and served on or before **May 18, 2015**.

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1 **B. Length**

2 Trial briefs shall not exceed twenty (20) pages without prior court approval.

3 LR 39.1. To obtain court approval, a party must file a motion to file an overlength
4 brief, demonstrating good cause why supplemental briefing is necessary.

5 **15. Trial**

6 The bench trial shall commence on **June 8, 2015, at 9:00 a.m.**, in Spokane,
7 Washington.

8 IT IS SO ORDERED.

9 The District Court Clerk is directed to enter this Order and provide copies to
10 counsel.

11 **DATED** July 23, 2014.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge